

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BRIDGETTE SHARELL JACKSON,

Plaintiff,

v.

AUSTIN CAPITAL BANK SSB, CAPITAL ONE,
N.A., DISCOVER BANK, PENTAGON FEDERAL
CREDIT UNION, WEBBANK, EQUIFAX
INFORMATION SERVICES L.L.C., EXPERIAN
INFORMATION SOLUTIONS, INC., and
TRANSUNION INTERACTIVE, INC.,

Defendants.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, defendant Austin Capital Bank SSB (“ACB”), hereby removes this action from the Kings County Supreme Court of the State of New York to the United States District Court for the Eastern District of New York. In support of this Notice, ACB states:

1. ACB hereby appears solely for the purpose of removal and for no other purpose and reserves all defenses available to it, including but not limited to a lack of personal jurisdiction and insufficient service of process.
2. Plaintiff Bridgette Sharell Jackson (“Plaintiff”) commenced this action on January 9, 2025, by filing a complaint (the “Complaint”) in the Kings County Supreme Court for the State of New York, under the caption *Bridgette Sharell Jackson v. Austin Capital Bank SSB et al.*, Index No. 50075/2025.

3. Plaintiff purports to have served a Summons and Complaint on ACB on or about January 17, 2025. ACB does not concede that the alleged service was valid or proper and reserves the right to object to the alleged service on the ground that it was improper.

4. Upon information and belief, none of the co-defendants have been served with a Summons and Complaint as of the date of this Notice.

5. The Kings County Supreme Court of the State of New York is located within the Eastern District of New York.

6. Pursuant to 28 U.S.C. § 1446(a), and without conceding that service was valid, a copy of all process, pleadings, and orders purportedly served upon ACB, including the Summons and Complaint, are attached hereto as Exhibit A.

7. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because it raises a substantial federal question. All of Plaintiff's claims are brought pursuant to the Fair Credit Reporting Act, 15 U.S.C. § 1681, including claims for failure by creditors to reasonably investigate, pursuant to 15 U.S.C. § 1681s-2(b)(1)(A), failure by creditors to note pursuant to 15 U.S.C. § 1681s-2(b)(1)(D), failure by consumer reporting agencies to reinvestigate pursuant to 15 U.S.C. § 1681i(a)(1)(A), and failure by consumer reporting agencies to note disputes pursuant to 15 U.S.C. § 1681i(c).

8. Accordingly, the Court has federal question jurisdiction and removal is proper on that basis.

9. As required under 28 U.S.C. §§ 1446(b)(1) and (b)(2)(B), removal is hereby being effectuated within thirty (30) days after ACB's receipt of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based (*i.e.*, the purported service of the Summons and Complaint on ACB on January 17, 2025).

10. Accordingly, removal is timely.

11. Pursuant to 28 U.S.C. § 1446(b)(2)(A), because ACB is the only defendant who has been “properly joined and served[,]” the consent of the other co-defendants are not needed to remove this action.

12. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being filed with the Clerk of the Kings County Supreme Court of the State of New York and served on Plaintiff contemporaneously herewith.

13. ACB reserves the right to amend or supplement this Notice of Removal.

WHEREFORE, ACB prays that the above action, now pending in the Kings County Supreme Court for the State of New York, be removed to the United States District Court for the Eastern District of New York.

Dated: February 14, 2025
White Plains, New York

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